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7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 1:20-CR-2030-SMJ

11 Plaintiff,

12 SUPERSEDING INDICTMENT

13 v.

14 Vios: 18 U.S.C. §§ 922(g)(1),  
15 924(a)(2)  
16 Felon in Possession of  
17 Firearm & Ammunition  
18 (Counts 1, 3)

19 ORLANDO RAUL RODRIGUEZ  
20 (a/k/a "Toon");  
21 DEREK LEVI MARTINEZ  
22 (a/k/a "Joker");  
23 JESSE LEE JOHNSON; and  
24 CHERRISH IREAN JENSEN,

25 Defendants.  
26  
27  
28

18 U.S.C. §§ 2119, 2  
Carjacking  
(Count 2)

18 U.S.C. § 924(c)(1)(A)(ii)  
Brandishing of a Firearm  
During a Crime of Violence  
(Count 4)

26 U.S.C. § 5861(d)  
Receipt or Possession of an  
Unregistered Firearm  
(Count 5)

18 U.S.C. § 924, 49 U.S.C.  
§ 80303, 26 U.S.C. § 5872, 28  
U.S.C. § 2461  
Forfeiture Allegations

## The Grand Jury charges:

## COUNT 1

On or about March 9, 2020, in the Eastern District of Washington, the Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), knowing of his status as a person previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce a firearm and ammunition, to wit: a silver Ruger SR9C 9mm pistol bearing serial number 332-01131; eight rounds of Cascade Cartridge, Inc., Blazer 9 mm caliber ammunition; 15 rounds of Winchester, Luger 9 mm caliber ammunition; and 23 rounds of Federal, Luger 9 mm caliber ammunition, which firearm and ammunition had theretofore been transported in interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).

## COUNT 2

On or about July 5, 2020, in the Eastern District of Washington, the Defendants, ORLANDO RAUL RODRIGUEZ (a/k/a “Toon”), DEREK LEVI MARTINEZ (a/k/a “Joker”), JESSE LEE JOHNSON, and CHERRISH IREAN JENSEN, took a motor vehicle, to wit: a 1996 Honda Accord, that had been transported, shipped, and received in interstate and foreign commerce from J.H. by force, violence and intimidation, with the intent to cause death and serious bodily harm, all in violation of 18 U.S.C. §§ 2119, 2.

1 COUNT 3  
2

3 On or about July 5, 2020, in the Eastern District of Washington, the  
4 Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), knowing of his status  
5 as a person previously convicted of a crime punishable by a term of imprisonment  
6 exceeding one year, did knowingly possess in and affecting interstate commerce a  
7 firearm and ammunition, to wit: a Ruger 10-22 .22LR caliber rifle bearing serial  
8 number 242-44238 and 14 rounds of Remington .22 mm caliber ammunition,  
9 which firearm and ammunition had theretofore been transported in interstate and  
10 foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).  
11

12 COUNT 4.  
13

14 On or about July 5, 2020, in the Eastern District of Washington, the  
15 Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), during and in  
16 relation to a crime of violence for which he may be prosecuted in a court of the  
17 United States, to wit: Carjacking in violation of 18 U.S.C. § 2119, as alleged in  
18 Count 2 of this Superseding Indictment, did knowingly use, carry, brandish and  
19 possess in furtherance of the Carjacking, a firearm, all in violation of 18 U.S.C.  
20 § 924(c)(1)(A)(i), (ii).  
21

22 COUNT 5  
23

24 On or about July 5, 2020, in the Eastern District of Washington, the  
25 Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), did knowingly  
26 receive and possess a firearm, to wit: a weapon made from a Ruger 10-22 .22LR  
27

caliber rifle bearing serial number 242-44238 having, as modified, an overall length of less than 26 inches and a barrel of less than 16 inches in length, which is a firearm as defined pursuant to 26 U.S.C. § 5845(a)(4), (c), and which such firearm was not registered to him in the National Firearms Registration and Transfer Record, all in violation of 26 U.S.C. §§ 5841, 5861(d), 5871.

## NOTICE OF CRIMINAL FORFEITURE

The allegations contained in this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction of an offense(s) in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), as set forth in Counts 1 and 3; and/or, in violation 18 U.S.C. § 924(c)(1)(A)(ii), as set forth in Count 4 of this Superseding Indictment, the Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a “Toon”), shall forfeit to the United States of America any firearm and ammunition involved or used in the commission of the offenses. The assets to be forfeited include, but are not limited to:

Count 1:

- a silver Ruger SR9C 9mm pistol bearing serial number 332-01131;
  - eight rounds of Cascade Cartridge, Inc., Blazer 9 mm caliber ammunition;
  - 15 rounds of Winchester, Luger 9 mm caliber ammunition; and,
  - 23 rounds of Federal, Luger 9 mm caliber ammunition

Counts 3 and 4:

- a Ruger 10-22 .22LR caliber rifle bearing serial number 242-44238; and,
  - 14 rounds of Remington .22 mm caliber ammunition

Pursuant to 49 U.S.C. § 80303, 26 U.S.C. § 5872 and 28 U.S.C. § 2461,  
upon conviction of an offense in violation of 26 U.S.C. §§ 5841, 5861(d) and 5871,  
as set forth in Count 5 of this Superseding Indictment, the Defendant, ORLANDO  
RAUL RODRIGUEZ (a/k/a "Toon"), shall forfeit to the United States of America,  
any firearms and ammunition involved or used in the commission of the offense,  
including, but not limited to:

- a Ruger 10-22 .22LR caliber rifle bearing serial number 242-44238; and,
- 14 rounds of Remington .22 mm caliber ammunition

DATED this 17 day of November, 2020.

A TRUE BILL

Foreperson

William D. Hyslop  
United States Attorney

Richard C. Burson  
Assistant United States Attorney